

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:11-CV-459-F

PENTAIR WATER POOL AND SPA, INC.; )  
and DANFOSS DRIVES A/S, )  
Plaintiffs, )  
v. )  
HAYWARD INDUSTRIES, INC.; and )  
HAYWARD POOL PRODUCTS, INC., )  
Defendants. )

ORDER

By motion filed January 4, 2012 [DE-94], Hayward seeks an order striking Pentair's Reply [DE 78/89] and all documents related thereto.<sup>1</sup> Hayward contends that these documents were filed beyond the December 30, 2011, deadline set by the Magistrate Judge's Order [DE-49].

The court's examination of CM/ECF records reveal that Pentair began the electronic filing process of the documents in question – ten docket entries totaling 707 pages – on the night of December 30, 2011. Of those ten docket entries, three were file-stamped December 30, 2011, and seven were file-stamped December 31, 2011. The electronic filing and docketing process was complete at :45 a.m. on the 31st.

Pentair had nearly completed the entire the filing process when the clock struck midnight. Less than a minute later, the scanning, filing, naming and docketing was done.

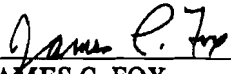
The court declines Hayward's invitation to strike any or all of the documents comprising and supporting Pentair's Reply on the unique facts of this case. Hayward's Motion to Strike [DE-94] is DENIED.

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<sup>1</sup> The documents that are the subject of Hayward's Motion to Strike are [DE-78, -79, -70, -81, -82, -83, -84, -85, -86, and -87].

SO ORDERED.

This, the 6th day of January, 2012.

  
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JAMES C. FOX  
Senior United States District Judge